

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

January 31, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 04-00161HG

CASE NAME: U.S.A. vs. (01) CESAR MACHADO LUNA

ATTYS FOR PLA: Chris A. Thomas

ATTYS FOR DEFT: Tom Stanley

U.S.P.O.: Roy T. Kawamoto

INTERPRETER: Luz Vega

JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: January 31, 2006

TIME: 11:08 - 11:35

COURT ACTION: SENTENCING TO COUNT 1 OF THE INDICTMENT -

Ms. Luz Vega was sworn as an interpreter in the Spanish language prior to convening of court.

The defendant is present in custody.

The Memorandum of Plea Agreement is accepted.

The Court finds that the defendant qualifies for the "safety valve" provision as set forth in 18 U.S.C. Section 3553(f)(1)thru(5).

Allocution by the defendant.

ADJUDGED: Impr of 108 mos.

SUPERVISED RELEASE: 5 yrs upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.
2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)

4. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
5. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. That the defendant submit to removal proceedings, including deportation or exclusion as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.
10. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special assessment: \$100.

Advised of rights to appeal the sentence.

RECOMMENDATIONS: Terminal Island, CA., in the alternative, Lompoc CA and Victorville, CA. That the defendant participate in drug treatment, educational and vocational training programs.

Government's Motion to Dismiss Counts 2, 3 & 4 is GRANTED.

Submitted by: David H. Hisashima, Courtroom Manager

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